

European Law Against Unfair Competition

Abstract

The scope of this thesis is intended to cover mainly two branches of the European law against unfair competition. Those two branches were recognized in (i) business-to-business relations governed mostly by the European Union Directive 2006/114/ES and in (ii) business-to-consumer relations governed by the European Union directive 2005/29/ES respectively. Taking in consideration the above-said, it can be stated that this thesis predominantly analyzes what should be in more precise way called as “European Union law against unfair competition”.

The thesis is divided into ten chapters while five of them should be considered as the leading ones. First of them is the chapter number five dedicated to B2B relations. The author examines the respective directive 2006/114/ES also to the extent of its relevant jurisprudence of the European Court of Justice. The same approach was chosen to describe functioning of B2C relations under directive 2005/29/ES in chapter number seven.

Chapter number six focuses on so called “Average Consumer” model that has been found as one of the most important elements of EU law against unfair competition. Because of its exceptional relevance, chapter six deals with the average consumer in a very detail, emphasizing important role of the European Court of Justice in describing what are specifics of such an average consumer model.

The penultimate of the leading chapters describes procedural aspects of the above-mentioned EU directives. This is developed even more in the following chapter number nine that aims to provide an insight to the way chosen by several Member States (especially the Czech Republic) to implement both the (i) EU Directive 2006/114/ES and the (ii) EU Directive 2005/29/ES. In this respect, the author focuses mainly on the most problematic parts of the Czech implementation.

In the end, the author states that the main aim of this thesis, which was to provide a scope on how the European Union law against unfair competition is governed, has been reached.